

TABLE OF CONTENTS

| | <i>Page</i> |
|---|-------------|
| I. Introduction | 1 |
| II. Caveats | 1 |
| III. Where to Find the Energy Commission Appliance Efficiency Regulations | 2 |
| IV. Where to Get Additional Information | 2 |
| V. Overview of the Energy Commission Appliance Efficiency Regulations | 2 |
| VI. Manufacturer Responsibility for Compliance with the Energy Commission Appliance Efficiency Regulations..... | 3 |
| VII. Manufacturer Certification Statements | 4 |
| A Substantive Contents | 4 |
| B. Declaration..... | 5 |
| 1. Contents..... | 5 |
| 2. Signing and Submittal | 6 |
| C. Third-Party Certification | 8 |
| 1. Third-Party Actions..... | 8 |
| a. Initial Filing..... | 8 |
| b. Annual Filing | 8 |
| c. Each Submittal of Manufacturer Information..... | 9 |
| 2. Manufacturer Actions – Each Submittal | 11 |
| 3. Other Requirements..... | 12 |
| a. Format | 12 |
| b. Schedule | 12 |
| c. Asterisks in model numbers | 12 |
| d. Appliances serving different functions | 13 |
| e. Multiple appliances in the same submittal..... | 13 |

| | |
|--|-----------|
| f. Special rules for split system air conditioners and combination space-heating and water-heating appliances | 13 |
| g. Retention of underlying information..... | 13 |
| VIII. Trade Association Directories | 13 |
| A. Approved Industry Certification Program..... | 13 |
| 1. Substantive Criteria | 13 |
| 2. Process for Approval as an AICP..... | 15 |
| B. Publication of the Directory | 16 |
| 1. Contents..... | 16 |
| 2. Declaration | 17 |
| 3. Schedule for Submittals | 18 |
| Appendix: Downloadable Forms | i |
| <i>Request to the Energy Commission for Designation as Approved Industry Certification Program.....</i> | <i>1</i> |
| <i>Request to the Energy Commission for Designation as a Third-Party Certifier Third-Party (One-Time Initial Application & Third-Party Annual Renewal)</i> | <i>4</i> |
| <i>Manufacturer Provision of Information to Third-Party Certifier: (for Submittal to the Energy Commission).....</i> | <i>6</i> |
| <i>Third-Party Certifier Submittal of Information to the Energy Commission</i> | <i>8</i> |
| <i>Request to the Energy Commission for Designation as an Approved Trade Association Directory Approval</i> | <i>10</i> |

I. Introduction

This document summarizes what manufacturers must do to comply with several important requirements in the California Energy Commission's ("Energy Commission") Appliance Efficiency Regulations. It also contains Forms that manufacturers, trade associations, and third-party certifiers must use to obtain various approvals.

The entire document, including the Forms, can be downloaded from the Internet at: www.energy.ca.gov/appliances/forms

II. Caveats

1. This document is primarily addressed to only one part of the Energy Commission's appliance efficiency regulations: data-submittal to the Commission by manufacturers. Moreover, it deals principally with the logistics of data-submittal (who does what when), not with the substantive requirements (what data has to be submitted).

2. This document is only a summary. Complete details are in the Energy Commission's appliance efficiency regulations (California Code of Regulations, title 20, Sections 1601 - 1608) and in the statute that governs the Energy Commission's appliance program (California Public Resources Code sections 25402(c), 25402(e)). Because this document is a summary, it generally does not provide legal citations to particular provisions of the Energy Commission's efficiency regulations. Moreover, in the case of a conflict between this document and the Energy Commission's efficiency regulations (or the statute), the latter controls.

3. The Energy Commission appliance efficiency regulations generally apply not only to the sale of appliances in California, but also to the installation of appliances in new construction in California, to which the Energy Commission's building standards (California Code of Regulations, title 24, Parts 1 and 6) also apply. Sections 10-101(a)3.A., 100(h), 110, and 111 of the building standards are particularly important for appliances. Because building designers and contractors are primarily responsible for compliance with the building standards, this document does not further discuss the building standards.

4. This summary does not discuss any requirements for appliances other than those administered by the Energy Commission. Federal law also contains

extensive energy requirements for appliances (see title 42, United States Code, Sections 6291 - 6317; title 10, Code of Federal Regulations, Parts 430 – 431; and title 16, Code of Federal Regulations Part 305). Other state and federal laws, not related to energy (for example, safety rules), may also apply.

III. Where to Find the Energy Commission Appliance Efficiency Regulations

The Energy Commission Appliance Efficiency Regulations can be found on several websites, including:

The Energy Commission's website –
www.energy.ca.gov/appliances/2006regulations/index.html

The website of California's Office of Administrative Law ("OAL")–
<http://ccr.oal.ca.gov/linkedslice/default.asp?SP=CCR-1000&Action=Welcome>

(OAL's website site contains all of the regulations administered by all California agencies, with the exception of California's building standards, which can be found at www.bsc.ca.gov/title_24.html.)

IV. Where to Get Additional Information

If you have questions, please contact:

By email (*preferred*), the Energy Commission's Appliance Program –
appliances@energy.state.ca.us

By phone, the Energy Commission's Building and Appliance Standards Hotline – (916) 654-5106 or toll free in California at (800) 772-3300

V. Overview of the Energy Commission Appliance Efficiency Regulations

The Energy Commission's appliance efficiency regulations cover most of the major household and commercial appliances. There are four primary requirements in the Energy Commission's appliance efficiency regulations:

efficiency standards that limit how much energy appliances can use;

testing of appliances to determine whether they meet the standards;

reporting of test results and other data to the Energy Commission; and
marking of basic energy information on appliances.

This document focuses on the third requirement: reporting of test results and other data to the Energy Commission.

The Energy Commission Appliance Efficiency Regulations are organized as follows:

- Section 1601: describes which appliances are covered by the Energy Commission Appliance Efficiency Regulations
- Section 1602: defines many words and phrases that are used in the Energy Commission Appliance Efficiency Regulations
- Section 1603: establishes the basic rules for testing of appliances, including requirements for test laboratories
- Section 1604: lists the specific test methods for each type of appliance
- Sections 1605-1605.3: list the efficiency standards for each type of appliance
- Section 1606: describes the data that must be submitted to the Energy Commission, and logistical matters such as format, timing, and submittal of data by third-parties
- Section 1607: lists requirements for marking of appliances
- Section 1608: contains the procedures by which the Energy Commission determines compliance with, and enforces, the Energy Commission Appliance Efficiency Regulations
- VI. Manufacturer Responsibility for Compliance with the Energy Commission Appliance Efficiency Regulations

Manufacturers are responsible for complying with the Energy Commission's Appliance Efficiency Regulations. They may assign tasks to others, such as

third-party certifiers which may be a testing laboratory, but the manufacturers remain ultimately responsible for ensuring that all of the Energy Commission Appliance Regulations are met, completely and correctly.

VII. Manufacturer Certification Statements

Each manufacturer must file with the Energy Commission a certification statement for each appliance model that is sold or offered for sale in California. A statement must be filed each time a new model is introduced, an existing model is retired, or an existing model is modified in a way that changes its energy performance. Statements must include both substantive information, described in A. below, and a declaration, described in B. below. The forms for the substantive information can be found on the Energy Commission website at http://www.energy.ca.gov/appliances/appliance/2007_forms_instructions_labs/. The declarations, which are appliance-specific, can also be found there.

A. Substantive Contents

The information on a statement generally must include:

1. the applicable information required by Section 1606(a)(2) (manufacturer information) including:
 - a. The name, address, telephone number, fax number, web site address, and email address of the manufacturer (both entities if a parent entity is filing on behalf of a subsidiary, a subsidiary entity is filing on behalf of a parent entity, or an affiliate entity is filing on behalf of an affiliate entity); and
 - b. the name, address, telephone number, fax number, and email address of the contact person (and backup for when the contact person is absent) knowledgeable about the information contained in the statement required, and of the person who signed the Declaration. (See below for information on the Declaration);
2. the applicable information required by Section 1606(a)(3), Table V (testing and performance information);

3. information about testing, including:
 - a. confirmation that the appliance has been tested in accordance with all applicable requirements for testing and with the required test methods.
 - b. the test method used;
 - c. the name, address, telephone number, fax number, web site address and email address of the laboratory or other institution where the testing was performed;
 - d. for commercial refrigerators, commercial refrigerator-freezers, commercial freezers, large storage water heaters, and plumbing fittings, a copy of the test report; and
4. for modified and discontinued appliances, the applicable information required by Section 1606(e).

B. Declaration.

Each certification statement must include a declaration, *executed under penalty of perjury under the laws of the State of California*. Declarations are found in the individual appliance zipped files found at:

http://www.energy.ca.gov/appliances/appliance/2007_forms_instructions_labs/

1. Contents. The declaration must state that:
 - a. *all* the information provided in the statement is *true, complete, accurate, and in compliance* with all applicable provisions of the Energy Commission appliance Energy Commission Appliance Efficiency Regulations;
 - b. if the statement is electronically filed, all of the applicable requirements for electronic filing in Section 1606(g) of the Energy Commission's Appliance Efficiency Regulations have been and are being complied with;

- c. the appliance complies with the applicable standards in Sections 1605.1, 1605.2 or 1605.3 of the Energy Commission's Appliance Efficiency Regulations;
- d. the appliance was tested with the applicable test method specified in Section 1604 of the Energy Commission's Appliance Efficiency Regulations;
- e. for the appliances specified in Section 1606(a)(4)(A)4.*a* through *l* , those appliances were tested as described in the applicable subsection (Section 1606(a)(4)(A)4. lists additional testing requirements, beyond those in the test methods, for the specified appliances);
- f. all units of the appliance are marked as required by Section 1607 of the Energy Commission's Appliance Efficiency Regulations;
- g. for the appliances specified in Section 1607(a)(4)(A)5. *a* through *h* , all units are marked as required by the applicable subsection (Section 1607(a)(4)(A)5. lists additional marking requirements for the specified appliances);
- h. if the manufacturer is a corporation, partnership, or other business entity, the declaration is signed by an individual authorized to make the declaration and file the statement on behalf of the business entity (the declaration must also contain an affirmation that the individual signing is so authorized.

2. Signing and Submittal. The signing and submittal requirements depend on whether a manufacturer or a third-party certifier (see below) submits the certification statement, and on whether the statement is in paper or electronic form. They are as follows:

- a. Paper statement, filed by manufacturer: the manufacturer submits a wet-signed paper declaration to the Energy Commission.

- b. Paper statement, filed by third-party: the manufacturer provides a wet-signed paper declaration to the third-party (the third-party must provide the declaration to the Energy Commission on request).
- c. Electronic statement, filed by manufacturer: the manufacturer *either*:
 - (1) submits a wet-signed paper declaration to the Energy Commission;
 - (2) submits electronically to the Energy Commission an electronic copy of a wet-signed paper declaration (and submits the paper original to the Energy Commission on request); or
 - (3) uses a “digital identifier” if the Energy Commission has approved one (see Section 1606(a)(4)(C)2.a.(ii) for more information on digital identifiers).
- d. Electronic statement, filed by third-party: *either*:
 - (1) the manufacturer provides a wet-signed paper declaration to the third-party (the third-party must provide the declaration to the Energy Commission on request);
 - (2) the manufacturer provides both a wet-signed paper declaration and an electronic copy to the third-party, and the third-party submits the electronic copy to the Energy Commission (and submits the paper original on request); or
 - (3) the manufacturer uses a “digital identifier” if the Energy Commission has approved one (see Section 1606(a)(4)(C)2.a.(ii) for more information on digital identifiers) and provides it to the third-party (the third-party must provide it to the Energy Commission on request).

C. Third-Party Certification

Third-parties may submit information to the Energy Commission on behalf of manufacturers. (The “first party” is the Energy Commission and the “second party” is the manufacturer.) The third-party may be, but is not required to be, a trade association.¹ Whether a manufacturer submits information on its own, or engages a third-party to submit information, the manufacturer remains responsible for the truth, accuracy, completeness, and timeliness of all required filings.

In order for a third-party to qualify to submit information on behalf of one or more manufacturers, several things must be done, some by manufacturers and some by the third-party. The following sections, 3.a. and 3.b., discuss the requirements. The forms in the Appendix to this document implement the requirements.

1. Third-Party Actions

a. Initial Filing

Before or with its first submittal, the third-party must submit to the Energy Commission “persuasive evidence,” under penalty of perjury, that it:

- (1) has read and understood all the applicable requirements of the Energy Commission appliance efficiency regulations, of federal law, and of all other relevant documents (e.g., test methods); and
- (2) is financially and technically capable of complying with all of the applicable requirements.

b. Annual Filing

At least annually after the first submittal, the third-party must submit to the Energy Commission “persuasive

¹ In some circumstances, Section 1606(f)(1)(F) of the Regulations allows a manufacturer to act as the “third-party” for another manufacturer. Please contact appliances@energy.state.ca.us before doing so.

evidence” on the items described in paragraphs 1.a(1) and 1.a(2), immediately above.

c. Each Submittal of Manufacturer Information

Every time the third-party submits information to the Energy Commission on behalf of a manufacturer, it must provide:

- (1) the applicable information required by Sections 1606(a)(2) (manufacturer information), 1606(a)(3) (testing and performance information) (note that a copy of the test report itself must be submitted for commercial refrigerators, commercial refrigerator-freezers, and commercial freezers; large storage water heaters; and plumbing fittings), 1606(a)(4) (manufacturer declaration²), 1606(c)(3) (confirmation or correction of database listings), and 1606(e) (modified and discontinued appliances) of the Energy Commission’s appliance efficiency regulations;
- (2) a declaration³, signed under penalty of perjury by an authorized individual, that:
 - (A) to the best of the third-party's knowledge and belief:

the information submitted to the Energy Commission is the same as the information submitted by the manufacturer to the third-party;

the information is true, complete, accurate, and in compliance with all applicable provisions of the

² The manufacturer and the third-party declarations can be wet-signed or digitally signed. See part VII.B.2. of this Guide, at pages 7 - 8 above, for details.

³ See footnote 2.

Energy Commission Appliance Efficiency Regulations;

the appliance was tested under the applicable test method specified in Section 1604 and, for certain appliances (see Section 1606(a)(4)(A)4.), was tested as specified;

for appliances for which there is an energy efficiency, energy design, water consumption, or water efficiency standard in Section 1605. 1, 1605.2, or 1605.3, the appliance complies with the applicable standards; and

if the statement is being filed electronically, the requirements of Section 1606(g) have been and are being met; and

- (B) the third-party has an agreement with the manufacturer that allows the third-party to challenge the truth, accuracy, and completeness of information submitted by the manufacturer to the third-party, and to refuse to submit to the Energy Commission information that the third-party believes is not truthful, accurate, or complete;
 - (C) the third-party will provide, upon ten days' written notice from the Executive Director, all information provided by the manufacturer and all information relating to any challenges made by the third-party (see paragraph b. immediately above); and
 - (D) all of the other requirements pertaining to third-party submittals in the Energy Commission's Appliance Efficiency Regulations are met; and
- (3) the authorization from the manufacturer for the third-party to submit information to the Energy Commission on behalf of the manufacturer.

2. Manufacturer Actions – Each Submittal

Each time a manufacturer prepares to have information submitted to the Energy Commission by a third-party, it must provide *to the third-party*:

- a. the applicable information required by Sections 1606(a)(2) (manufacturer information), 1606(a)(3) (testing and performance information) (note that a copy of the test report itself must be submitted for commercial refrigerators, commercial refrigerator-freezers, and commercial freezers; large storage water heaters; and plumbing fittings), 1606(a)(4) (manufacturer declaration), 1606(c)(3) (confirmation or correction of database listings), and 1606(e) (modified and discontinued appliances) of the Energy Commission's Appliance Efficiency Regulations;
- b. a declaration⁴, signed under penalty of perjury by an authorized individual, that:
 - (1) the information is true, complete, accurate, and in compliance with all applicable provisions of the Energy Commission's Appliance Efficiency Regulations;
 - (2) the appliance was tested under the applicable test method specified in Section 1604 and, for certain appliances (see Section 1606(a)(4)(A)4.), was tested as specified;
 - (3) for appliances for which there is an energy efficiency, energy design, water consumption, or water efficiency standard in Section 1605. 1, 1605.2, or 1605.3, the appliance complies with the applicable standards; and
 - (4) the manufacturer has an agreement with the

⁴ See footnote 2.

third-party that allows the third-party to challenge the truth, accuracy, and completeness of information submitted by the manufacturer to the third-party, and to refuse to submit to the Energy Commission information that the third-party believes is not truthful, accurate, or complete; and

- c. an authorization for the third-party to submit the information to the Energy Commission on behalf of the manufacturer.

3. Other Requirements.

These requirements apply both to manufacturer submittals and to third-party submittals.

- a. Format. The format must comply with Energy Commission directives.
- b. Schedule. The Energy Commission may set schedules for submittals.
- c. Asterisks in model numbers. In some circumstances, asterisks may be used as a substitute for letters, numbers, blanks, or other characters in the model number. Asterisks (i) may be used only for a part of the model number that does not indicate energy consumption, energy efficiency, water consumption, or water efficiency, or a design or feature affecting such efficiency or consumption; (ii) may represent only one single letter, number, blank, or other character in the model number; and (iii) may not be used for any of the first four letters, numbers, blanks, or other characters in the model number.
- d. Appliances serving different functions (e.g., both water heating and pool heating): a separate statement must be submitted for each function.

- e. Multiple appliances in the same submittal. More than one appliance may be covered in the same submittal.
- f. Special rules for split system air conditioners and combination space-heating and water-heating appliances: see Sections 1606(a)(1)(F) and 1606(a)(1)(G).
- g. Retention of underlying information: Manufacturers and third-parties must:
 - (1) maintain all information concerning a model for at least two years after informing the Energy Commission that production of the model has ended; and
 - (2) provide any information to the Energy Commission on request.

VIII. Trade Association Directories

A paper or electronic directory published by an appliance trade association may be used for any purpose that the Energy Commission's database is used for, if the directory meets requirements specified in the Energy Commission Appliance Efficiency Regulations and the Energy Commission has made specified determinations about the association and the directory.

A. Approved Industry Certification Program

An association that wants to have its directory approved must be, or operate, an "approved industry certification program."

1. Substantive Criteria

An "approved industry certification program" must be, first of all, a formal certification program. In addition, the Energy Commission must determine that the program meets criteria related to reliability, accuracy, and compatibility with the Energy Commission appliance program. In particular, the Energy Commission must determine that the program:

- a. is operated by an appliance manufacturer trade association, or another entity that is approved by the Executive Director;
- b. is accredited as a certification organization by the American National Standards Institute (“ANSI”) or the International Organization for Standardization (“ISO”), or has received from a nationally-recognized entity an approval that provides guarantees of substantive and procedural reliability and accuracy that are substantially similar to those provided by ANSI or ISO certification; and
- c. provides:
 - (1) an internet-accessible listing of appropriate energy performance information that is updated at least every 6 months;
 - (2) testing of appliances according to the applicable test methods, and accurate reporting of test results;
 - (3) listings of appliances that:
 - (A) do *not* include *any* appliance that does not comply with an applicable federal energy (or water) efficiency standard;
 - (B) separately indicate which appliances, if any, comply with an applicable federal energy efficiency standard, but do *not* comply with the applicable California energy (or water) efficiency standard (in such a case the California standard must be identified); and
 - (C) separately indicate which appliances, if any, do not have any federal energy (or water) efficiency standard applicable to them, but do have a California energy (or water) efficiency standard that they do *not* comply

with (in such a case the California standard must be identified); and

- (4) verification of data submitted by manufacturers to the program;
- (5) an appropriate procedure for program participants to challenge listed information; and
- (6) compatibility with the Energy Commission database.

2. Process for Approval as an AICP

The entity seeking approval must submit a request, in writing, that demonstrates that the entity meets all of the criteria described above. The request should be sent to:

Appliance Certification Program
AICP Application
California Energy Commission
1516 Ninth Street, MS-25
Sacramento, CA 95814-5512

Or by e-mail to: appliances@energy.state.ca.us with “AICP Application” as the e-mail subject.

The Appendix contains a Form that may be used to make a request for Approved Industry Certification Program status. Following receipt of the application, the Energy Commission has 30 days to determine whether the entity qualifies. If the Energy Commission’s determination is negative, then within 10 days the determination may be appealed to the full Energy Commission.

\\

\\

\\

B. Publication of the Directory

1. Contents

- a. For each appliance, the directory must include (where applicable to the appliance) the name of the manufacturer; brand; model number as it appears on the appliance; appliance type; fuel type; voltage; electrical phase; capacity or other size measurement; input; output; standby consumption, loss, or other similar measurement; and energy efficiency, energy consumption, water efficiency, or water consumption.
- b. The directory must NOT contain any appliance:
 - (1) that fails to meet an applicable federal energy or water standard;
 - (2) for which the manufacturer has stated or certified that the appliance meets an energy or water standard not applicable to it; or
 - (3) that does not (or for which its manufacturer does not) meet any applicable requirement of the Energy Commission Appliance Efficiency Regulations, unless the directory states, in a format approved by the Energy Commission, that it is illegal in California to sell the appliance or offer it for sale.
- c. The directory must contain the following statement, in at least 20 point bolded type (or with other characteristics specified by the Energy Commission), on the front cover or first page:

"This directory [insert parts if appropriate] has been approved by the California Energy Commission (Commission) for determining compliance with its Appliance Efficiency Regulations (Title 20, California Code of Regulations, Sections 1601-1608) and its building standards (Title 24, California Code of Regulations, Part 6). UNLESS INDICATED OTHERWISE, any appliance listed in this directory [insert

parts if appropriate] may be sold, offered for sale, or installed in new construction in California. For appliances manufactured by manufacturers participating in this directory, but who have not given authorization for data submittal to the Commission, this directory cannot be used for determining compliance. For information about such appliances, appliances that are beyond the scope of this directory, or appliances produced by manufacturers who do not participate in this directory, please contact the Commission's Building Standards Hotline at (916) 654-5106, (800) 772-3300 (in California only), or < Title24@energy.state.ca.us>. Manufacturers not granting authorization for data submittal to the Commission as of the publication date of this directory include [list all affected manufacturers]."

2. Declaration

The trade association must submit to the Energy Commission a declaration, signed under penalty of perjury of the laws of California, that to the best of the trade association's knowledge and belief:

- a. the information in the directory is the same as the information submitted by manufacturers to the trade association;
- b. the information is true, complete, accurate, and in compliance with all applicable provisions of the Energy Commission's Appliance Efficiency Regulations;
- c. each appliance complies with the applicable standards in Section 1605.1 (federal standards) of the Energy Commission's Appliance Efficiency Regulations; and
- d. for any appliance for which there is a standard in Section 1605.3 (state standards) of the Energy Commission's Appliance Efficiency Regulations, the appliance meets all applicable standards, unless the directory states, in a format approved by the Energy Commission, that it is illegal in California to sell the appliance or offer it for sale.

3. Schedule for Submittals

- a. The trade association must submit to the Energy Commission:
 - (1) all of the information in the directory, within three working days of the approval of the directory; and
 - (2) all of the information in the directory that has changed since the previous submittal, at the end of each month during which there has been any change.
 - (3) At the end of each calendar quarter, the trade association must mail, at no cost to recipients, a paper copy of the current directory (and any supplements) to the Energy Commission and to all California building officials as specified by the Energy Commission, and provide to the Energy Commission a list of the building officials to whom the directory or supplement was sent.

APPENDIX – DOWNLOADABLE FORMS

Request for Designation as an Approved Industry Certification Program

*Request for Designation as a Third-Party Certifier (One-Time Initial Application
& Third-Party Annual Renewal)*

*Manufacturer Provision of Information to Third-Party Certifier Form (for
Submittal to the Energy Commission)*

Third-Party Certifier Submittal of Information to the Energy Commission

Request for Designation as an Approved Trade Association Directory